



PTO/SB/21 (02-04)

1641
GFW**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/017,788

Filing Date

December 13, 2001

First Named Inventor

Nguyen, Quan

Art Unit

1641

Examiner Name

Counts

Attorney Docket Number

002558-064310US

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement

Certified Copy of Priority
Document(s)Response to Missing Parts/
Incomplete ApplicationResponse to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

After Allowance Communication
to GroupAppeal Communication to Board
of Appeals and InterferencesAppeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please
identify below):

Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit
Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual name

Townsend and Townsend and Crew LLP

Joel G. Ackerman

Reg. No. 24,307

Signature

Date

June 18, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Lois M. Simón

Signature

Date

June 18, 2004



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On: June 18, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: _____

Lois M. Simón

PATENT

Docket No.: 002558-064310US

Client Ref. No.: BRP00097

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Quan NGUYEN et al.

Application No.: 10/017,788

Filed: December 13, 2001

For: STANDARD DILUENT FOR
MULTIPLEX ASSAYS

Examiner: Counts

Art Unit: 1641

RESPONSE AND ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Restriction dated May 28, 2004, Applicants elect to prosecute the claims of Group I, with traverse with respect to the requirement for restriction between claims of Groups I and III.

Claims of Group I are directed to kits comprising a standard diluent comprising a biological fluid that normally includes two or more different target analytes but that is substantially free of these analytes and a predetermined amount of one or more concentrated materials that collectively or separately contain these target analytes.

Claims of Group III are to a process for preparing the standard diluent of the Group I kits.

The claims of each class are indicated as being only in one subclass of the USPTO classification system. The Group III claims are directed to a process for preparing a significant component of the Group I claimed kits. These groups of claims are thus quite closely related. With only two subclasses to be searched, no undue burden is seen.

Applicants respectfully request withdrawal of the requirement for restriction between Groups I and III.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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